

MILFORD PLANNING BOARD PUBLIC HEARING  
October 21, 2014 Board of Selectmen's Meeting Room, 6:30 PM

**Members Present:**

Chris Beer, Chairman  
Paul Amato  
Kathy Bauer  
Steve Duncanson  
Janet Langdell  
Susan Robinson, Alternate member

**Staff:**

Jodie Levandowski, Town Planner  
Shirley Wilson, Recording Secretary  
George Horta, Videographer

**Excused:**

Judy Plant  
Tom Sloan

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1. Approval of minutes from the 9/16/14 meeting.
  2. Approval of worksession minutes from 6/3/2014, 6/24/2014, 7/8/2014, 8/5/2014, 9/16/2014, and 9/23/2014

**PUBLIC HEARING:**

3. Per NH RSA 675:6, the Milford Planning Board will hold a public hearing for the following:  
**2015-2020 Capital Improvements Plan**

**OLD BUSINESS:**

4. **San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4;** Design review for a proposed residential subdivision.  
*(Continued from 9/16/14)*

**OTHER BUSINESS:**

5. **Ashwood Development, LLC – Falcon Ridge Development – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45.** Request to amend revised improvement timetable and security relating to Falcon Ridge Development.

Chairman Beer called the meeting to order at 6:30PM. He introduced the Board and staff and explained the ground rules for the public hearing. S. Robinson, alternate member was called to sit.

**MINUTES:**

J. Langdell made a motion to approve the minutes from the 9/16/14 meeting, as submitted. K. Bauer seconded, P. Amato abstained and all else in favor.

Worksession minutes:

J. Langdell suggested changing the titles of all the worksession “notes” to “minutes” and said she would submit a few grammatical revisions to staff.

P. Amato made a motion to approve the minutes from the 6/3/14 worksession, as amended. S. Duncanson seconded, K. Bauer abstained and all else in favor.

J. Langdell questioned line 52 on the 6/24/14 worksession minutes. C. Beer clarified the intent and requested that the last sentence be changed to read *Developments tend to rely less on the automobile*. P. Amato made a motion to approve the minutes from the 6/24/14 and 7/8/14 worksessions, as amended. S. Duncanson seconded, and all else in favor.

No action was taken on the 8/5/14 minutes and the 9/23/14 minutes were postponed due to lack of quorum.

S. Duncanson made a motion to approve the minutes from the 9/16/14 worksession, as amended. J. Langdell seconded, P. Amato abstained and all else in favor.

**PUBLIC HEARING:**

Per NH RSA 675:6, the Milford Planning Board will hold a public hearing for the **2015-2020 Capital Improvements Plan**.

Chairman Beer recognized:

Paul Dargie, CIP Advisory Committee Chairman

Joe O’Neil, Vice-chairman

Tim Finan, member

P. Dargie recognized the other committee members; Gil Archambault, Steve Duncanson, Judy Plant, Matt Lydon and Rose Evans. He then gave an overview of the CIP process. Beginning in May, the committee met with the various department heads and reviewed the proposals. We tried to minimize the tax impact changes from year to year and prioritized the projects. The report was then presented to the Selectmen and the Planning Board.

2015 projects by priority:

Public Works Highway (DPWH14-01) – Bridges Year 2015 - \$290,980

The 10 year comprehensive bridge repair document contains a total of \$9M for all 19 projects scheduled out over several years. We postponed some of the projects until 2022 with the expectation that state matching funds will kick back in. Those projects with real safety concerns are listed in the CIP. 2015 contains \$291,000 for bridgework to include minor repairs and small maintenance projects.

Public Works Highway (DPWH10-01) – Truck, 36K GVW, 8 CY, D/P/S - \$185,000

This vehicle, part of the DPW vehicle sequencing plan, is fifteen years old and in bad shape so it’s a high priority. In general, the committee is in favor of this plan that sequences one piece of equipment each year.

Public Works Highway (DPWH12-04) – Sidewalk Tractor/Plow with Sander - \$ 150,000

This current tractor/plow is fourteen years old with many issues and breakdowns.

Public Works Highway (DPW14-02) – Storm Sewer Video Inspection and Cleaning - \$ 172,800

Originally, this was part of a six year plan but we will do the project now because the Town qualifies for 20% forgiveness on the principal from the NH DES Revolving Loan fund, if done all at once.

J. Langdell noted that this also fits into the MS4 stormwater requirements. J. O'Neil added that it also ties back to one of the sidewalk tractors and the cleanouts.

Wadleigh Memorial Library (LIBR01-01) – Addition and Renovation of Wadleigh Memorial Library-\$4,958,000

This project has been on the CIP for a very long time and the Library Trustees have done an excellent job in coming up with a new plan that keeps the existing building open during construction of the three phases. The committee was somewhat split on the prioritization of this item, so it fell to the middle of the list; however, the consensus was that the project should go to warrant and let the voters decide.

J. Langdell noted that the Planning Board has not had the privilege of seeing the current plan, so our vote is for inclusion of the project on the CIP. P. Dargie clarified that the committee's opinions and decisions are strictly for the prioritization and inclusion in the report only, not whether or not we support the project and the Selectmen ultimately decide what goes on the warrant.

Community Development (CD10-03)–Nashua Street/Ponemah Hill Road Sidewalks and Signalization-\$665,000

This project has also been on the CIP for a long time with various incarnations but now they are all combined into one project. J. Langdell said this fits into the new Connectivity Plan and asked for some feedback as to why this project is ranked as #6. This is an area in town that could significantly benefit from safe pedestrian passability. P. Dargie explained that prioritization has only been done within the past two years and was only from the members' perspective and is separate from the criteria for the bigger picture; urgency, cost benefit, or importance to the town. J. O'Neil added that we had very thoughtful conversation about this project.

Water Utilities (WTR14-02) – West Elm Water Main Extension - \$625,000

This item will not be on the Town Warrant but the Water and Sewer Commissioners may put their own warrant on. This project is urgent due to the upcoming state road work; however, we didn't learn about the importance of the project until after our voting. Had it been identified beforehand, the priority could have been different.

Water Utilities (WTR14-01) – New Water Source – Phases 1 and 2 - \$122,500

The Water and Sewer Commissioners are looking for a new well in Town. They are in discussions, but we don't have any details yet. Phase 1 is for studies and Phase II is to purchase the property and together they will cost \$520,000 or higher. Phase III is to build the well and has a rough estimated cost of \$1M. The funding split was not worked out at the time of the presentation so we had to guess at the amounts. We arbitrarily used a 35% town match with Water Utilities covering the balance. After a lengthy discussion it was noted that this will not be going forward at this point in time.

P. Dargie reviewed the remaining items:

2016:

Fire (FIRE10-01) – Engine 1 Replacement - \$500,000

Water Utilities (WTR14-03) – New Water Source – Phase 3 - \$350,000

Public Works – Highway (DPWH14-03) – Bridges Year 2016 -\$212,250

Public Works – Highway (DPWH12-02) –Loader, 2-3 CY Bucket - \$145,000

Public Works - Highway (DPWH13-02) – Backhoe, Tractor Loader with Thumb Attachment - \$145,000

2017:

Administration (ADMN10-01) – Town Hall Renovations - \$2,000,000

This is a “placeholder” and it could be broken up into multiple projects but an overall plan needs to be developed and we're just not there yet, so when and how it happens, remains to be seen. J. Langdell said the BOS are handling this item, not the facilities committee and noted that Selectmen Putnam was tasked to do a detailed report in June. A lengthy discussion on the recent SMP report, project phasing, and costs followed.

Fire Department (FIRE11-01) – Upgrades to Downtown Station - \$1,500,000

Public Works – Highway (DPWH14-04) – Bridges Year 2017 - \$665,756

Public Works – Highway (DPWH12-03) – 8 CY 36,000 GVW Dump Truck with Plow and Sander Assembly (#2) - \$ 185,000

Community Development (CD11-02) – Osgood/Armory/Melendy Roads – Pedestrian and Bicycle Improvements - \$140,000

This was originally scheduled for 2015 as there was 80/20 funding available through a grant this year, but the Selectmen voted not support it and the project was moved out two years. The Osgood Rd sidewalk has been on the CIP for a long time and the Melendy Rd and Armory Rd elements were added for the Connectivity Plan. J. Langdell stated that the expansion of this project ties in with some of the Conservation Commission's needs at the rail trail and to a very densely populated area in town. Also, there is no guarantee of 80/20 grant money in 2017.

2018:

Public Works – Recreation (DPWR13-01) – Brox Recreation Fields - \$500,000 “Placeholder”

Field development at the Brox property.

Public Works – Highway (DPWH14-04) – Bridges Year 2018 - \$617,923

One complete bridge replacement.

Ambulance (AMB14-01) – Replace 2003 Ambulance - \$229,500

This is for the replacement of the 2003 ambulance. P. Dargie explained the rotation plans for primary, secondary and back up ambulances. J. Langdell noted that the decision to keep the current back-up ambulance was predicated on traffic to and from St. Joseph's Emergency Department, not the Urgent Care.

2019:

Public Works – Highway (DPWH13-03) – 8 CY 36,000 GVW Dump Truck with Plow and Sander Assembly (#3) - \$195,000

Public Works – Transfer Station (DPWTS13-01) – Truck Rolloff for Transfer Station

2020:

Fire (FIRE14-01) – Replace Rescue 1 - \$675,000

**Other projects**

Public Works – Highway – Bridges Years 2021-2024

It is hoped that there will be some matching funds available in 2022 for the remainder of the bridge projects.

Fire – West End Fire Station

For future needs in the west side of town.

Public Works – Recreation – Keyes Field Expansion Project

In the near term, this will provide access from 127 Elm St when the Keyes access road is shut down next summer.

Public Works – Solid Waste – Solid Waste Management Improvements/Transfer Station Upgrades

For future needs.

**School projects**

P. Dargie said a lot of renovations for critical items were done over the summer, so we think we can go another year without any huge problems like we've had in the past and we won't be going forward with the HVAC item. Next year the school system will do an overall capital plan, with an extensive outlook that will be done during April to September and completed by budget season. The district wide renovations are still slated as a \$5M project as a placeholder. The extent of the project remains to be seen. The school does a lot of purchasing at a lower level, so these are the more extraordinary items, such as the HVAC system for the Middle School. The district does purchase items in excess of \$75,000 from the regular budget, such as technology or a new roof or windows.

P. Amato noted that the town part is juggled around so that we don't have a huge impact on the tax rate in any given year and a lengthy discussion on planning, process and bonding ensued.

J. Langdell inquired about the CIP tax impact table and asked if the annual % increase in town tax rate was only for municipal projects. P. Dargie replied yes, it didn't include the school. The annual % increase in town tax rate compares the total tax rate base, including the school and county portions, but the change is only for the town portion. The school's \$5M project would come in under 2017 with an increase from 5¢ to 33¢ per thousand.

Chairman Beer opened the meeting to the public; there being no comments, the public portion of the meeting was closed.

J. Langdell thanked the committee for their hard work, time and the thoughtful deliberations put into analyzing the cost needs and projects for the town. This is a “slice in time” planning tool that will aid in long-term planning and assist in providing services for our community. K. Bauer added that this document is extremely helpful to the Selectmen.

J. Langdell made a motion to adopt the 2015-2020 CIP plan as presented. S. Duncanson seconded and all in favor.

**OLD BUSINESS:**

**San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4; Design review of a proposed residential subdivision.**

P. Amato recused himself.

*Abutters Present:*

*Paul Amato, Sand Creek Sand and Gravel*

*Lionel Vallier, Mile Slip Rd*

Chairman Beer recognized:

Nathan Chamberlin, Fieldstone Land Consultants, PLLC

N. Chamberlin presented plans dated 9/26/14 and stated that we’ve been doing a lot of work. Soil testing on all the lots came back good and we don’t anticipate a lot of blasting to put the road in. We’ve identified the three wetland crossings and tried to minimize impact with the road design, which is mostly on the north end. The crossing on Boynton Hill is permitted through phase II of that subdivision. It has lapsed, so we’ll have to get that re-approved. There are also three driveway crossings. We’ve graded out some of the driveways on the more challenging lots, per staff’s request; however, that is not in your regulations and is a very labor intensive exercise. We are proceeding with the final design. We are looking at getting a traffic engineer and will set up a meeting to determine the scope of that study. We have revised the plan based on comments from Conservation from the last meeting by revising the open space and adding strips to provide access, but they don’t meet the requirements at only 30-40 ft and we don’t need them in the calculations. The strip by lots 10 and 11 is 50ft. This plan meets the open space requirements set forth by the regulations and this is the ownership mechanism we’re proposing. We met with the Conservation Commission on the 11<sup>th</sup> and we received a letter from them today dated 10/16/14, restating the original concerns. We will continue to work with them and work through the staff memo as we proceed forward.

K. Bauer reminded the applicant that wetland and buffer impact will require ZBA approval. N. Chamberlin said the wetlands presented are preliminary, but 4,300 SF of impact is minor for a project of this magnitude with 5,000ft road and 184 acres.

Interdepartmental comments:

N. Chamberlin stated that they will meet with all departments for review of the final plans. J. Levandowski verified that interdepartmental comments were based on the 9/26 plan presented tonight.

Snow plowing concerns in the wetland buffer:

N. Chamberlin said the driveways will not come off the end of the road but they will take a look at reconfiguration.

Conservation Commission memo dated 10/16/14:

- 1) The 50ft wide strip is not necessary so much for the open space % calculations but it provides buffer to the abutting lots and access to the open space. J. Langdell said that could be handled by a no-cut easement and asked what is there to preserve, noting it is not accessible from a walkable standpoint.
- 2) The width is 30-40 ft.
- 3) One of those lots already has a bridge on it that just needs to be rehabbed.

- 4) There is plenty of upland and we are confident that we can get a house on each lot without impacting the wetland or buffer. To combine them would really not serve a purpose other than to reduce the lot count. There is no minimum lot size.
- 5) Those two lots were created from two tracts, and again, we are comfortable that we can get a house with driveway and septic on each lot.
- 6) To be discussed later.
- 7) When we initially came before the Board, there were two open space lots, both as easements, and the Board expressed preference to standalone open space lots instead of easements and we revised the plan. Unfortunately, part of the sales agreement is that the seller wants to retain that parcel with the easement. What is the difference between an easement over the whole top or on just one lot; they are both viable forms of ownership in your regulations.
- 8) To be discussed later.
- 9) The wetlands were delineated in 2006 or 2007.
- 10) Does the 2010 Highest Ranked Wildlife Habitats in NH report consider wetlands in general? J. Langdell explained it was a large study that was done and although it may not be specific to this property, but it included this property as part of the unfragmented block.
- 11) See item 10.
- 12) The cul-de-sac may impact the buffer a little bit, but roads are an allowed use in the buffer.

There was consensus of the Board to hold a site walk with the Conservation Commission on Saturday, 11/8/14 at 9:00am. Everyone should meet at Nate Ball's driveway off Mile Slip Rd. J. Levandowski offered to coordinate the details and will send information out by email.

J. Langdell stated that the applicant is working on a traffic study to include Mile Slip Rd, Boynton Hill Rd and the intersection of Mile Slip and Mason Rd with the concerns of the Board and residents. Drainage and stormwater plans will also need to be done for the final plan and reviewed by our engineering firm. N. Chamberlin added that no off-site improvements were anticipated from the original meeting with DPW in May, but we will know more after the traffic study is done. J. Langdell noted that they may have only been considering drainage and culverts, not roads that far off, but there is reasonable concern with any type of development in this area given the slopes, the amount of water and the traffic impacts. J. Levandowski said the applicant should also review the groundwater study done from the Mitchell Brook Development and update as necessary to assess any impact to private wells, as this was of concern to many of the abutters.

Chairman Beer opened the discussion to the public.

L. Vallier brought up the S-curves on Mile Slip Rd and said there was a roll-over accident a few weeks ago. Is there a certain grade that has to be met for the new road and will any wetlands be affected? Are the wetlands in the upper area part of the open space? Also, was there a moratorium when the former developer was trying to develop this area?

C. Beer clarified that the traffic study will include all roads impacted by this development. Our regulations have a maximum grade of 8% that will have to be met for the new road. The open space will have to remain undeveloped and clarified the wetland areas on the plan. Also, it was noted that staff and the Board were not aware of any moratoriums from the town.

A. Frazier, chairperson of the Conservation Commission explained that the memo went out today because she didn't get a quorum until last night and then reviewed the correspondence. We consider the open space behind lots 11, 12 and 13 to be unmanageable. We have to walk the boundaries to monitor the open space and the fifty ft strip doesn't provide any advantage or added value. Also, owners of those lots tend to open their land out into the open space area and it is impossible to monitor. We do prefer to have wetlands out of house lots and there are significant wetlands behind lots 48 and 49 that we feel are a perennial or intermittent stream. In general, the access to the open space is not in the spirit of the open space. C. Beer reiterated that the wetlands were moved from the open space to the house lots based on a specific request by the Planning Board at a previous meeting because it made for an unmanageable section of open space.

A. Frazier said the two access strips do reflect wetlands and although they do provide access to the open space, they don't really allow people walk or hike in; we feel that there could be better access places. Also, we feel that

open space section 1 would not be used much for connectivity trails due to the amount of wetlands on it. If the strip was widened there might be a good viewing area for the wetlands, but we haven't walked the property. The original size of lot 18 is 63.8 acres and the current owner will be retaining 36.6 acres, so we're trying to figure out what the relationship actually is to the whole subdivision. An open space area easement like this is nearly impossible to monitor due to the number of pins at the boundaries. The easement language could also get complicated as it abuts town land and we could be in a difficult position if for example it allowed wheeled vehicles where the town land does not. P. Amato said he agreed that enforcement is always a challenge but we could accomplish what the Conservation Commission is looking for through the language in the easement of that open space. A. Frazier then brought up the conflict in the language between the Development Regulations and the Zoning Ordinance regarding private ownership of open space. C. Beer read both sections and said the Board will work to resolve that. J. Levandowski ended a brief discussion by reading Section 1.03.2 of the Zoning Ordinance. A. Frazier asked if only 31 acres are being sold by the original owner, is this really part of the subdivision and can it be included in the open space calculations? She understands the intent, but said this is confusing. Would we be able to get input from all the owners? N. Chamberlin explained that there are currently four lots having different owners and San-Ken Homes has signed a P&S to subdivide the land, but he is not sure of the mechanics. P. Amato inquired if the plan had been signed by all the owners. J. Levandowski verified that the application was signed by all owners. A. Frazier said that general practice is to have wetlands delineated every five years and NH DES requires a five year review for all crossings. Again, it's hard for us to depict the wetlands this small print, so we'd like to see a larger plan with the wetlands delineated. The 2010 Highest Ranked Wildlife Habitat in NH was done by the state and is accessible through the DES website. It depicts this area as an unfragmented area and shows intermittent and perennial streams on this property that are a great concern to us. Per the Development Regulations, the Planning Board could request that an environmental impact study be done. We're curious to see what stormwater measures will be used near the cul-de-sac.

Chairman Beer closed the public portion of the meeting.

N. Chamberlin said they have a good plan and will work to address the concerns brought up tonight.

Chairman Beer re-opened the meeting for public comment following a discussion pertaining to the retention of 36.6 acres of the original 68.5 lot and the inclusion of 25 acres of privately owned open space.

A. Frazier said if this were all going to be one type of open space with easements, we would have different types of comments. P. Amato said the purpose of our open space regulations is to allow people to not build scattered developments with more roads for the town to maintain and allows for smaller lots that are clustered, just as this has been done. Both the Development Regulations and the Zoning Ordinance call for many different types of ownership so there is an easement issue no matter who owns the land. There will still be a conservation easement document with language that states what can and cannot happen on that land. J. Langdell added that we would have already heard from the Conservation Commission if these areas were not protecting valuable land in the open space. We just need to be transparent as to how this is being structured because it is a little different. A. Frazier reiterated that she was not comfortable that the developer is meeting the open space calculations without the inclusion of the open space being retained by the original owner. There are not a lot of wetlands in that area while there are significant amounts of wetlands going into house lots or on the fringes of other developed areas. The borders around the wetlands are minimal and we would rather see larger buffers in other areas rather than that much upland property. P. Amato said we've criticized developers in the past for giving us crappy land and here they are giving the best land. This is a good plan that follows the layout of the road from the former proposed development and there is less disturbance and offshoots. We are saving forever, the best part of this hilltop and this is a great win for the Town.

Chairman Beer closed the public portion of the meeting.

There was consensus from the Board that the following studies be submitted with final plans:

- An updated wetlands delineation that including perennial and intermittent streams and vernal pools.
- Stormwater management plan
- Review and update of the prior Groundwater plan

J. Langdell made a motion to close the design review application. K. Bauer seconded and all in favor.

**OTHER BUSINESS:**

**Ashwood Development, LLC – Falcon Ridge Development – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45.** Request to amend revised improvement timetable and security relating to Falcon Ridge Development.

C. Beer reviewed the memo dated 10/21/14. J. Levandowski gave a brief overview of the request and said that Bill Parker has been in contact with Carl Kasierski regarding the improvements. All off-site work is part of the Phase I improvements which includes the intersections at North River Rd/Wilton Rd and North River Rd/Maple St. Staff met with Attorney Drescher on Monday 10/20/14 and per his request, we are asking the Board to table the extension request to allow more time for further review of additional materials, timeframes and updated costs. Attorney Drescher asks that the Board not make any decisions right now.

P. Amato noted that no matter what happens, the offsite improvements won't be done this year. Also, in reading the information provided in the staff memo, it is unclear if Ashwood Homes owns any of this land and whether Mr. Kasierski has the right to represent all the owners, so during the next month he would like some clarification as to who we can deal with. In another month, we can call the bond or give another one year extension but we need to work with the entity that has the ability to act on it. If we are so inclined to not grant the extension, what would the process be for the Town to take control and get the work done sooner? We should look at all our alternatives and discussion on the history and ownership ensued.

J. Langdell added that the approval for the Pine Valley Mill development was in part, predicated on the off-site improvements being done to the intersection at North River Rd and Wilton Rd. While being sensitive to the fact that the real estate market has been slow over the past few years, this is still something that needs to be done and is still their responsibility. Also, we should give credit to staff and Attorney Drescher for wanting to review the development agreement because two years out, the bonding costs might have changed. There is nothing preventing us from granting a six month extension through July or August of 2015 to get the work done next year and the focus needs to be on the off-site improvements. Could we get input from Attorney Drescher on granting the extension through to 6/30/15?

S. Duncanson noted that the Pine Valley Mill developer said they would do the improvements if Ashwood didn't. J. Levandowski stated that it was not a condition of approval. J. Langdell brought up a discussion from the last worksession and said Ashwood could approach Dakota Partners to come to some type of mutual solution. P. Amato said he would also like to split the final road paving from the intersection improvements because they are two separate things. S. Duncanson referenced developments in North Hampton at Boynton Hill Rd and discussion on road maintenance followed.

C. Beer stated that during the next month, staff and Attorney Drescher will research current ownership, determine if the Board can reduce the extension timeframe, obtain updated construction costs, clarify Phase I and II onsite and off-site improvements, and provide information on how to pull the bond if the extension is not granted and the implications thereof.

S. Duncanson made a motion to table the extension request to the 11/18/14 meeting for town counsel to review the resolution and additional items as discussed tonight. P. Amato seconded and all in favor.

The meeting was adjourned at 9:07.

MINUTES OF THE OCT 21, 2014 PLANNING BOARD PUBLIC HEARING APPROVED NOV 18, 2014